

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 4122 OF 2000

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ORDER:

This Writ Petition is filed, declaring the action of the respondents in not appointing the petitioner as Sub-Engineer pursuant to the interview/selection held on 15-12-1999 as illegal and arbitrary.

The respondents have issued notification inviting applications to fill up the vacancies of Sub-Engineer (Electrical) in various operation circles in the entire State of Andhra Pradesh. This Writ Petition is concerned with the vacancies notified in Anantapur Operation division. Totally 63 vacancies of Sub-Engineer were notified. In the notification, three vacancies were reserved for ST. This Writ Petition is filed stating, that for those vacancies, which are reserved for ST, only two candidates have appeared, and, in spite of the same, only one post was filled up and other two posts were not filled up. It is the case of the petitioner, that as there are three vacancies which are reserved for ST, and, as he is one among two candidates appeared for selection, as such, he has to be appointed pursuant to the interview/selection held on 15-12-1999.

Counter affidavit is filed on behalf of the respondents, where in it is stated, that as per the policy notified, 30 vacancies were to be filled by considering the claims from the candidates, who have worked as contract labour, under 50% quota, and remaining 33 vacancies were to be filled by direct recruitment. It is stated, in the direct recruitment, there was only one vacancy reserved for ST, and, for the said vacancy, two candidates had appeared, the petitioner and another. It is further stated, the petitioner who is one among two candidates secured less percentage of marks in the interview than the other candidate; as such, the petitioner could not be appointed.

It is to be seen, this Writ Petition is filed as if three vacancies notified were reserved for ST. But, however, the same was explained in the counter affidavit. These three vacancies were divided among the candidates from contract labour and direct recruitment in the ratio of 50 : 50. In that view of the matter, as there was only one vacancy earmarked for candidates from direct recruitment, the candidate who secured higher marks than the petitioner was selected. In that view of the matter, the petitioner cannot seek direction to appoint him as Sub-Engineer pursuant to the interview/selection held on 15-12-199.

The Writ Petition is devoid of merits, and the same is accordingly dismissed.
No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 30-03-2005.

Msnr